

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALVIN PADILLA,

Plaintiff,

v.

Civil No. 10-785 WJ/RHS

NENMDF MEDICAL DEPT., et al.,

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDATIONS**

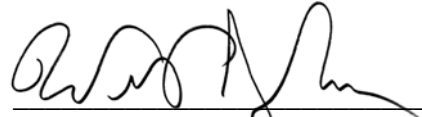
THIS MATTER comes before the Court on the Magistrate Judge's Proposed Findings and Recommendations ("PFR"), filed May 17, 2011 [**Doc. 11**]. No objections have been filed regarding the PFR.¹ Having considered the same, the Court will adopt the PFR, grant in part Defendants' motion for summary judgment, dismiss Plaintiff's federal civil rights claim, decline to exercise supplemental jurisdiction under 28 U.S.C. § 1367 and remand any remaining state law claims to state court.

WHEREFORE,

IT IS ORDERED that: (i) the PFR [**Doc. 11**] is adopted by the Court; (ii) Defendants Faris, Stevenson, Breen and Correctional Medical Services, Inc.'s Motion for Summary Judgment [**Doc. 7**] is **granted in part** and Plaintiff's federal civil rights claim is **dismissed** without prejudice for failure to exhaust administrative remedies; and (iii) supplemental jurisdiction under § 1367 is **declined** and any remaining state law claims are **remanded** to the Eighth Judicial District Court, County of Clayton, State of New Mexico.

¹The Court notes that Plaintiff submitted a letter stating he "exhausted all I can do in this matter." (Letter, filed Apr. 7, 2011 [**Doc. 9**]). However, this letter was submitted in response to an order of February 24, 2011 [**Doc. 6**] and contains no objections to the PFR.

IT IS FURTHER ORDERED that any pending motions are **denied** as moot.



UNITED STATES DISTRICT JUDGE